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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,995	12/03/2003	Eduardo Napadensky	P-3099-US3	5199
49443	7590	08/04/2006	EXAMINER	
PEARL COHEN ZEDEK, LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036			BERMAN, SUSAN W	
			ART UNIT	PAPER NUMBER

1711

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/725,995	Applicant(s) NAPADENSKY ET AL.	
	Examiner Susan W. Berman	Art Unit 1711	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

- 3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
 - (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ They raise the issue of new matter (see NOTE below);
 - (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

- 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
- 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
- 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____
 Claim(s) objected to: _____
 Claim(s) rejected: 80-105.
 Claim(s) withdrawn from consideration: 58-64, 66-74, 106-108 and 112.

AFFIDAVIT OR OTHER EVIDENCE

- 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
- 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
- 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

- 11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
SEE ATTACHED PAGE(S).
- 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
- 13. ☐ Other: _____.

Susan W Berman
 Primary Examiner
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Continuation of 3. NOTE: THE NEW ISSUES ARE CLAIM RECITATIONS SUCH AS "GENERATING DATA", "SELECTIVELY DISPENSING...LAYER BY LAYER, IN LIQUID FORM...ACCORDING TO THE DATA GENERATED", DEPOSITION AT A CONTROLLED TEMPERATURE BEFORE CURING.

With respect to the proposed amendment of claim 80, it is not clear what method steps are used for “generating data...”. How is the data generated? What kind of data is generated? It is not clear what is meant by “combining two or more interface materials into at least two types of said phases or regions”. What is meant by “types” of phases or regions? How do the combined interface materials form phases or regions? In the step of selectively dispensing said two or more interface materials layer by layer, it appears that the “phases or regions” are layers or is each layer intended to contain at least two different phases?

WO ‘092: It is agreed that WO ‘092 teaches the deposition of a single modeling material to produce a three-dimensional article rather than selectively dispensing two or more different interface materials, each from a different dispenser.

Helsinki: Applicant argues that Helsinki teaches producing a fabrication structure with the modeling material and a support structure with a support material in distinct layers instead of combining two or more interface materials into at least two types of phases or regions. However, it is the examiner’s position that the two layers taught by Helsinki correspond to two “regions” provided by selectively dispensing two or more interface materials layer by layer to form at least two different types of phases, as set forth in proposed claim 80 method steps.

Cima et al: It is agreed that Cima et al disclose depositing a powder material followed by selectively depositing a liquid binder material, while the proposed claim requires dispensing two materials in liquid form.

Yamane et al: Applicant argues that Yamane et al teach partial cure of droplets of photosetting ink and that mixing or contamination of the resins of different kind or color employed is prevented at the boundaries where the kind or color of the resin is changed. Applicant argues that Yamane et al teach against combining the materials within phases. This argument is not persuasive because the proposed claim recites “combining two or more of said interface materials into at least two types of phases or

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regions” as the intended reason for the step of generating data and not as a required method step. The step of selective deposition of the two materials does not require combination of the materials. As written the step requires dispensing materials from different dispensers “layer by layer”, a step that encompasses forming layers of the two materials rather than combining the two materials in one layer. It is not agreed that Yamane et al teach against curing the dispensed materials after their deposition. The teaching to partially cure the droplets during deposition does not preclude additional curing after deposition.

Napadensky ‘386: Applicant argues that Napadensky ‘386 does not teach combining two types of phases or regions within a multi-phase composite material wherein each phase or region comprises a different combination of different interface materials. This argument is not persuasive because, as discussed above (Yamane et al), the instant claims do not clearly set forth that each phase or region comprises a different combination of different interface materials.

Applicant states an intent to expedite prosecution by filing a terminal disclaimer to US Patent 6,569,373 to Napadensky. However, the terminal disclaimer has not yet been filed. Therefore, the obviousness type double patenting rejection of record is maintained.

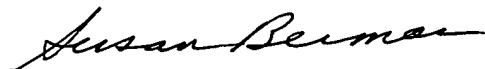
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W. Berman whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB
7/25/06



Susan W Berman
Primary Examiner
Art Unit 1711